

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	No. CR19-93-JLR
)	
Plaintiff,)	
)	SECOND ORDER CONTINUING
v.)	TRIAL DATE
)	
DWAYNE BROOKS,)	
)	
Defendant.)	

The Court, having considered the *ex-parte* motion to withdraw filed by counsel for Mr. Brooks on December 30, 2019 and discussed the matter with Mr. Brooks and his counsel on the record in open court on December 31, 2019, finds that:

1. The trial in this case was scheduled to begin on January 2, 2020.
2. On December 30, 2019, Mr. Brooks provided new information regarding the instant case to his counsel from the Federal Public Defender's Office. Counsel for Mr. Brooks determined that a potential conflict could arise based on this new information and subsequently filed an *ex-parte* motion to withdraw.
3. On December 31, 2019, the Court held a hearing to rule on the *ex-parte* motion. After discussing the matter with Mr. Brooks and his counsel on the record and outside the presence of the government, the Court determined that a potential conflict could arise in light of the new information and permitted counsel for Mr. Brooks to withdraw. The Court ordered new CJA counsel to be appointed to represent Mr. Brooks.

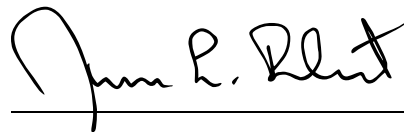
1 4. The Court also determined that, having considered the complexity of
2 the case, the volume of discovery, and the timing of the withdrawal, proceeding to trial
3 on January 2, 2020 (1) would deny Mr. Brooks reasonable time to obtain counsel, (2)
4 would unreasonably deny Mr. Brooks continuity of counsel, and (3) would deny new
5 counsel for Mr. Brooks the reasonable time necessary for effective preparation, taking
6 into account the exercise of due diligence. 18 U.S.C. §3161(h)(7)(B)(iv).

7 5. The Court further determined that, for the reasons stated above, the ends
8 of justice served by continuing the trial date from January 2, 2020 to a later date
9 outweigh the best interest of the public and the defendant in a speedy trial, and that the
10 failure to grant such a continuance would result in a miscarriage of justice. 18 U.S.C.
11 §3161(h)(7)(A).

12 In light of the foregoing, the Court orders the trial date to be continued from
13 January 2, 2020 to February 10, 2020. The Court also finds that the period of delay
14 resulting from this continuance from December 31, 2019 through February 10, 2020 is
15 excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(7).

16 IT IS SO ORDERED this 3rd day of January, 2020.

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The Honorable James L. Robart
U.S. District Court Judge

Presented by:

s/ Seungjae Lee
Assistant United States Attorney